

**APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**

FEB 09 1989

Date of filing in State Engineer's Office.....

Returned to applicant for correction.....

Corrected application filed.....

Map filed..... **DEC 08, 1981 under 44251**

The applicant **FOOTE MINERAL COMPANY**

....., of **Silver Peak**,
Street and No. or P.O. Box No. City or Town

Nevada 89047, hereby make^s application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.).....

Incorporated in the State of Pennsylvania on September 30, 1964.

1. The source of the proposed appropriation is **underground.**
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is **5.0 cfs** second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet.....

3. The water to be used for **Mining and domestic purposes.**
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated.....

(b) Stockwater, state number and kinds of animals to be watered.....

(c) Other use (describe fully under "No. 12. Remarks").....

(d) Power:

(1) Horsepower developed.....

(2) Point of return of water to stream.....

5. The water is to be diverted from its source at the following point **within the SW¼ NE¼ Section 10,**
Describe as being within a 40-acre subdivision of public
Township 2 South, Range 39 East, MDB&M, at a point from which the southwest
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

corner of Section 22, Township 2 South, Range 39 East, MDB&M bears South
13°27'53" West a distance of 14,223 feet.

6. Place of use **Refer to Exhibit "A" attached hereto.**
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

7. Use will begin about **January 1** and end about **December 31**, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) **Drilled and cased well, distribution, system,**
State manner in which water is to be diverted, i.e. diversion structure, ditches and
delivery to evaporation ponds.
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works **\$30,000**

10. Estimated time required to construct works..... Five years
 If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use..... Ten years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

The brine pump pursuant to this application contains the mineral, lithium. The area which includes the point of diversion and place of use is appurtenant is located pursuant to the Mining Laws of 1872, as found in 30 USC Sec 22, et seq. The brine solution is pumped to evaporation ponds, where the lithium is recovered from the dehydrated solution. This water right will be utilized in conjunction with others held by the applicant. Use map on file under Permit 44262.

/s/ Ross E. de Lipkau

By Ross E. de Lipkau
P.O. Box 2790
Reno, Nv 89505

Compared kh/ ps ab/se

Protested.....

APPROVAL.....OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins or before the Proof of Completion of Work is filed.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 44251, Certificate 12770; 44252, Certificate 12771; 44253, Certificate 12772; 44255, Certificate 12773; 44256, Certificate 12774; 44257, Certificate 12775; 44258, Certificate 12776; 44260, (CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed..... 5.0 cubic feet per second, but not to exceed 3619.85 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before..... August 30, 1995

Proof of completion of work shall be filed on or before..... September 30, 1995

Application of water to beneficial use shall be made on or before..... August 30, 1998

Proof of the application of water to beneficial use shall be filed on or before..... September 30, 1998

Map in support of proof of beneficial use shall be filed on or before..... N/A

Completion of work filed..... MAY 21 1998 IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.

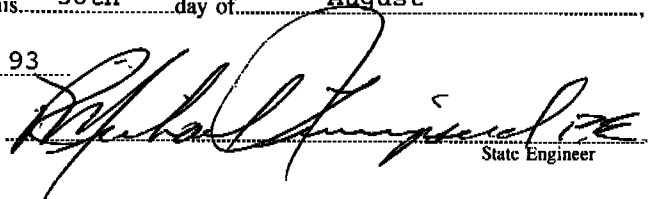
Proof of beneficial use filed..... State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this..... 30th day of..... August

A.D. 19 93

Cultural map filed.....

Certificate No..... Issued.....


 State Engineer

(PERMIT TERMS CONTINUED)

Certificate 12777; 44261, Certificate 12778; 44267, Certificate 12779; 44268, Certificate 12780; 44269, Certificate 12781; 44270, Certificate 12782, 49988, 52918, 52919, 52920 and 52921 shall not exceed 17.86 million gallons per day or 20,000 acre-feet annually.

The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.



EXHIBIT "A"

The S 1/2 of Section 35 and all of Section 36, Both in T. 1 S., R. 39 E., M.D.M., and E 1/2 of Section 10, the E 1/2 of Section 15, the SE 1/4 of Section 21, the E 1/2 of Section 23 and all of Sections 1, 2, 3, 11, 12, 13, 14, 22, 23, 24, 25, 26, 27, 34, 35, and 36 all in T. 2 S., R. 39 E., M.D.M., the SE 1/4 of Section 19, the S 1/2 of Section 20, the E 1/2 and Lots 23* and 24*, now Lots 47, 48, 49, and 50 of Section 30 and all of Sections 21, 22, 23, 26, 27, 28, 29, 31, 32, 33, 34 and 35 all in T. 1 S., R. 40 E., M.D.M., the NW 1/4 of Section 11, the N 1/2 and the SW 1/4 of Section 10, the NW 1/4 of Section 15, the N 1/2 and the SW 1/4 of Section 16 and all of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, and 31 all in T. 2 S., R. 40 E., M.D.M., Clayton Valley, Esmeralda County, Nevada.

- * On December 16, 1983, the BLM approved an independent resurvey of T. 1 S., R. 40 E., M.D.M., which supercedes the plat approved April 14, 1884. The 1983 resurvey subdivided and renumbered original Lots No. 23 and No. 24. The resurvey did not change the total area or the horizontal position within Section 30, T. 1 S., R. 40 E.

